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| APPLICATION NO.                    | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION N |
|------------------------------------|-------------|----------------------|-------------------------|----------------|
| 09/361,619                         | 07/27/1999  | SHEENA M. LOOSMORE   | 1038-921-MIS            | 5733           |
| 7590 07/20/2004                    |             | EXAMINER             |                         |                |
| SIM & MCBURNEY                     |             |                      | DEVI, SARVAMANGALA J N  |                |
| 330 UNIVERSITY AVENUE<br>6TH FLOOR |             | ART UNIT             | PAPER NUMBER            |                |
| TORONTO, M5G1R7                    |             |                      | 1645                    |                |
| CANADA                             |             |                      | DATE MAILED: 07/20/2004 |                |

Please find below and/or attached an Office communication concerning this application or proceeding.



## Advisory Action

| Application No. | Applicant(s)    | Applicant(s) |  |  |
|-----------------|-----------------|--------------|--|--|
| 09/361,619      | LOOSMORE ET AL. |              |  |  |
| Examiner        | Art Unit        |              |  |  |
| S. Devi, Ph.D.  | 1645            |              |  |  |

| The MALINIO DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandomment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed work to a flapped (with appeal feet; or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.136 (a) of the final rejection.  The period for reply expires — months from the maling date of the final rejection.  The period for reply expires — months from the maling date of the final rejection. ONLY CHECK THIS BOX (WIRE) THE RIFER TREPLY WAS FILED WITHIN TYO MONTHS OF THE FIREM REJECTION. See MPEP 700.07(1).  TOROTON.—ONLY CHECK THIS BOX (WIREN THE RIFER TREPLY WAS FILED WITHIN TYO MONTHS OF THE FIREM REJECTION. See MPEP 700.07(1).  TOROTON.—ONLY CHECK THIS BOX (WIREN THE RIFER TREPLY WAS FILED WITHIN TYO MONTHS OF THE FIREM REJECTION. See MPEP 700.07(1).  TOROTON.—In the period of reply expire later than 51 feet on which the petition under 37 CFR 1.136(a) and the appropriate extension for her between files is the date for purposes of determining the period determined and the corresponding amount of the feet. The appropriate extension for the bear files of the      |  |   | G. Devi, 1 11.D.  | 1040                                 |                 |  |  |  |
|--|--|---|---|--------------------------------------|-----------------|--|--|--|
| Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either. (1) a timely filed amendment within places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.  PERIOD FOR REPLY (check either a) or b)  The period for reply express months from the mailing date of the final rejection.  New YorkECK THIS BOX WINEN THE FIRST REPLY WAS FILED WTHIN TWO MONTHS O'THE FINAL REJECTION. See MPEP Content in the order of the final rejection. O'NLY YORKECK THIS BOX WINEN THE FIRST REPLY WAS FILED WTHIN TWO MONTHS O'THE FINAL REJECTION. See MPEP Content in the second of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the proprietal date of the shade for purposes of determining the period of determining the period of time and the corresponding amount of the fee. The appropriate extension fee that the proprietal from: (1) the exprision date of the shade for purposed of them. The specifical from: (1) the exprision date of the shade for the final rejection. Even if timely field, may reduce any earned patent term adjustment. See 37 CFR 1.136(a). Appellant's Brief must be filed within the period set forth in 37 CFR 1.136(a) and the corresponding amount of the fee. The apportance expressed and the corresponding amount of the fee. The apportance and the corresponding amount of the fee. The apportance and the corresponding amount of the fee. The apportance are stored to the final rejection, even if timely field, may reduce any earned patent term adjustment. See 37 CFR 1.136(a), the specification of the seed and the fee final rejection and for search (see NOTE below);  The proposed amendment(s) will not be entered because:  (a) We they are not deemed to place the application in better form for appeal by materially reducing or simplifying th |  | The MAILING DATE of this communication appear   | ars on the cover sheet with the c                                     | orrespondence add                    | ress            |  |  |  |
| a)  The period for reply expires  months from the mailing date of the final rejection. The period for reply expires on: (1) the mailing date of the final rejection. Whichever is later. In no event, however, with the statutory period for reply expire later than SLX MONTHS from the mailing date of the final rejection. See MPEP DIVIDED TO THE FINAL REJECTION. See MPEP DIVIDED TO THE PERIOD TO THE FINAL REJECTION. See MPEP DIVIDED TO THE PERIOD TO THE FINAL REJECTION. See MPEP DIVIDED TO THE PERIOD TO THE | Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued   |   |   |                                      |                 |  |  |  |
| b)   |  | PERIOD FOR RE   | PLY [check either a) or b)]   |                                      |                 |  |  |  |
| event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.136(a) and the appropriate extension fee under statutory period for reply replication, even if timely flied, may reduce any examend patent term adjustment. See 37 CFR 1.736(a) and see for thin (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely flied, may reduce any examend patent term adjustment. See 37 CFR 1.136(a) and the appropriate extension fee under search greater and patent term adjustment. See 37 CFR 1.736(a) and the appropriate extension fee under search greater and the search greater and greater and the search gr | a) [   | The period for reply expiresmonths from the mailing d   | ate of the final rejection.   |                                      |                 |  |  |  |
| have been flied is the date for purposes of determining the period of extension and the corresponding amount of the fer. The appropriate extension fee under 37 CFR 1.719 (is acclusted from; (i) the expiration date of the shortened statutory period for repty originally set in the fired. Total (is) above, if checked. Any repty received by the Office later than three months after the mailing date of the final rejection, even if timely flied, may reduce any searned patent term adjustment. See 37 CFR 1.704(b).  A Notice of Appeal was filed on 16 June 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  Notice of Appeal was filed on 16 June 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  The proposed amendment(s) will not be entered because:  (a) ★ they raise new issues that would require further consideration and/or search (see NOTE below);  (b) ★ they raise the issue of new matter (see Note below);  (c) ★ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ★ they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Attachment.  Applicant's repty has overcome the following rejection(s):  Applicant's repty has overcome the following rejection(s):  Newly proposed or amended claim(s) ★ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  The ani affidavit or exhibit will NoT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  The affidavit or exhibit will NoT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  Claim(s) allowed: 7 and 8  Claim(s) allowed: 7   | b) [   | b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP |   |                                      |                 |  |  |  |
| 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  2  | Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any |   |   |                                      |                 |  |  |  |
| (a) ⊠ they raise new issues that would require further consideration and/or search (see NOTE below);  (b) ☐ they raise the issue of new matter (see Note below);  (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Attachment.  3. ☐ Applicant's reply has overcome the following rejection(s):  4. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5. ☐ The a)☐ affidavit, b)☐ exhibit, or c)☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because:  6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7. ☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: Z and 8  Claim(s) objected to:  Claim(s) rejected: 1.2.5.6.9 and 10.  Claim(s) withdrawn from consideration:  8. ☐ The drawing correction filed on is a)☐ approved or b)☐ disapproved by the Examiner.  9. ☐ Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  S. DEVI, PH.D.  |  |   |   |                                      |                 |  |  |  |
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| NOTE: See Attachment  3. Applicant's reply has overcome the following rejection(s):  4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:  6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: 7 and 8.  Claim(s) objected to:  Claim(s) withdrawn from consideration:  8. The drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  10. Other: See Attachment  S. DEVI, PH.D.   | (c   |   | n better form for appeal by mate                                      | erially reducing or s                | simplifying the |  |  |  |
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| <ul> <li>4. □ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</li> <li>5. □ The a) □ affidavit, b) □ exhibit, or c) □ request for reconsideration has been considered but does NOT place the application in condition for allowance because:</li> <li>6. □ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.</li> <li>7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) □ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: 7 and 8.  Claim(s) objected to:  Claim(s) rejected: 1.2.5.6.9 and 10.  Claim(s) withdrawn from consideration:  8. □ The drawing correction filed on is a) □ approved or b) □ disapproved by the Examiner.</li> <li>9. □ Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)</li> <li>10. ☒ Other: See Attachment</li> </ul>  |  | NOTE: See Attachment.   |   |                                      |                 |  |  |  |
| canceling the non-allowable claim(s).  5.  | 3.   | Applicant's reply has overcome the following reject   | tion(s):  |                                      |                 |  |  |  |
| application in condition for allowance because:  6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7. ☑ For purposes of Appeal, the proposed amendment(s) a) ☑ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: 7 and 8.  Claim(s) objected to:  Claim(s) rejected: 1.2.5.6.9 and 10.  Claim(s) withdrawn from consideration:  8. ☐ The drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner.  9. ☐ Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  10. ☑ Other: See Attachment   | 4.   |   | be allowable if submitted in a s                                      | eparate, timely filed                | d amendment     |  |  |  |
| raised by the Examiner in the final rejection.  7. □ For purposes of Appeal, the proposed amendment(s) a) □ will not be entered or b) □ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: 7 and 8.  Claim(s) objected to: □ Claim(s) rejected: 1.2.5.6.9 and 10.  Claim(s) withdrawn from consideration: □ Approved or b) □ disapproved by the Examiner.  9. □ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). □ Other: See Attachment  S. DEVI, PH.D.  | 5.   |   |   | idered but does NC                   | OT place the    |  |  |  |
| explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: 7 and 8.  Claim(s) objected to:  Claim(s) rejected: 1,2,5,6,9 and 10.  Claim(s) withdrawn from consideration:  8.  The drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  10. Other: See Attachment  | 6.   |   | ause it is not directed SOLELY  | to issues which we                   | re newly        |  |  |  |
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| Claim(s) objected to: Claim(s) rejected: 1,2,5,6,9 and 10. Claim(s) withdrawn from consideration:  8.  The drawing correction filed on is a) approved or b) disapproved by the Examiner.  9.  Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  10. Other: See Attachment  S. DEVI, PH.D.  |  | The status of the claim(s) is (or will be) as follows:  |   |                                      |                 |  |  |  |
| Claim(s) rejected: 1,2,5,6,9 and 10.  Claim(s) withdrawn from consideration:  8.  The drawing correction filed on is a) approved or b) disapproved by the Examiner.  9.  Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  10. Other: See Attachment  S. DEVI, PH.D.   |  | Claim(s) allowed: 7 and 8.  |   |                                      |                 |  |  |  |
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| 9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  10. Other: See Attachment  S. DEVI, PH.D.   |  | Claim(s) withdrawn from consideration:  |   |                                      |                 |  |  |  |
| 10. ☑ Other: <u>See Attachment</u> S. DEVI, PH.D.  | 8.   | The drawing correction filed on is a) appr  | roved or b) disapproved by  | the Examiner.                        |                 |  |  |  |
| S. DEVI, PH.D.   | 9.   | Note the attached Information Disclosure Statemer   | nt(s)( PTO-1449) Paper No(s)  | ·                                    |                 |  |  |  |
|  | 10.⊠   | Other: <u>See Attachment</u>  |   | S. DE                                | VI, PH.D.       |  |  |  |

U.S. Patent and Trademark Office PTOL-303 (Rev. 11-03)